

# Notice of Allowability

Application No.

09/870,181

Examiner

Mark Ruthkosky

Applicant(s)

ROBERTSON ET AL.

Art Unit

1745

elo

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/2003.
2. ☒ The allowed claim(s) is/are 3-6.
3. ☒ The drawings filed on 6/23/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Mark Ruthkosky  
Primary Patent Examiner  
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### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 102***

The rejection of claims 1-2 under 35 U.S.C. 102(b) as being anticipated by Narisue et al. (US 4,726,794) has been overcome by the applicant's amendment.

The rejection of claims 1-6 under 35 U.S.C. 102(b) as being anticipated by Brunette et al. (US 5,766,794) has been overcome by the applicant's amendment.

The rejection of claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,633,096) has been overcome by the applicant's amendment.

#### ***Claim Rejections - 35 USC § 103***

The rejection of claim 6 under 35 U.S.C. 103(a) over Hattori et al. (US 5,633,096) in view of Brunette et al. (US 5,766,794) has been overcome by the applicant's amendment.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The application is amended to correct a typographical error where the word cover was omitted from the amended claim.

The application has been amended as follows:

In claim 3, line 1 after the word -detachable-, add the word -cover-.

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*Allowable Subject Matter*

Claims 3-6 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are to a detachable cover for a battery, the cover comprising mechanical features suitable for mating to a charge plug, wherein the cover comprises at least an aperture for receiving the battery and at least a main orifice, such that at when the battery is inserted into the cover, at least one charging terminal of the battery is exposed through the at least main orifice, wherein the cover comprises a base, a first side, a second side, a back, a latch and a belt as defined in the instant specification. The prior art does not teach a detachable cover for a battery comprising an aperture for receiving the battery and a main orifice that exposes a charging terminal of the battery when the battery is inserted into the cover wherein the cover comprises a base, a first side, a second side, a back, a latch and a belt as defined in the instant specification.

The most pertinent prior art has been made of record. For example, Narisue et al. (US 4,726,794) teaches a cover for a battery comprising mechanical features for mating to a charge plug. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery. Narisue et al. (US 4,726,794) does not teach a cover comprising an aperture for receiving the battery and a main orifice that exposes a charging terminal of the battery when the battery is inserted into the cover. Further, the reference does not teach that the cover comprises a latch and a belt as defined in the instant specification.

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In addition, Brunette et al. (US 5,766,794) teaches a cover for a battery. The cover includes sides, a base, a latch and a belt. Brunette et al. (US 5,766,794) does not teach a detachable cover comprising an aperture for receiving the battery and a main orifice that exposes a charging terminal of the battery when the battery is inserted into the cover. Further, the reference does not teach that the cover comprises a belt as defined in the instant specification.

Further, Hattori et al. (US 5,633,096) teaches a cover for a battery comprising mechanical features for mating to a charge plug such as a cigar lighter. The cover includes an orifice such that a power terminal of the charging plug may be coupled to the battery (see figures 1-2,) however at least one charging terminal of the battery is not exposed through the at least main orifice. Further, the cover does not appear to be detachable from the battery and the structure does not allow for an aperture where a battery can be inserted. As the prior art does not teach a battery cover as defined in the claims as read in light of the specification, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Examiner Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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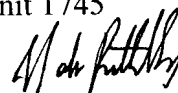
supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Ruthkosky

Primary Patent Examiner

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2/19/04